

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

for the

NOV 17 2016

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

DELEON, Ejalte

Case No.

M-16-2143-M

DOB: 1989  
USC

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 14, 2016 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 846

Conspiracy to possess with intent to distribute more than five (5) kilograms of cocaine

This criminal complaint is based on these facts:

See attachment A

☒ Continued on the attached sheet.Approved for filing  
JCPR/kit  
11/17/16

Complainant's signature

Eric Johnson, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

November 17, 2016  
10:08 am

Judge's signature

US Magistrate Judge Peter E. Ormsby

Printed name and title

City and state:

McAllen, Texas

## **ATTACHMENT A**

On October 5, 2016, DE LEON, accompanied by his attorney, reported his drug related activities to the DEA. DE LEON was not under arrest, no promises or representations were made. In the presence of SA Mercado, SA Johnson, TFO Ruiz and GS Richard Clough, the following statements were provided by DE LEON in the presence of his legal counsel at the DEA Office in McAllen, Texas. This report is representative of the statements made by DE LEON to the Agents and is not intended to be verbatim, nor all inclusive.

During the interview, DE LEON provided a Texas driver's license to SA Johnson, CDL#: 34575073. The address on the license was 2308 Briarwood Drive, Mission, Texas 78572. DE LEON was seeking the assistance of DEA after discovering that 15 kilograms of cocaine were missing from the stash house DE LEON controlled. DE LEON admitted to establishing a cocaine "stash house" in McAllen Texas.

DE LEON coordinated the delivery of cocaine to the stash house with an unidentified male who lives in Mission, Texas. DE LEON knew of two other stash houses in McAllen, but claimed not to know their locations. DE LEON was paid \$400.00 per kilogram to store the cocaine. DE LEON also delivered the cocaine to Houston. Per DE LEON, he made a few deliveries of cocaine to Houston, Texas. DE LEON was instructed to divide the drug load and deliver 5 to 7 kilograms at a time.

On August 14, 2016, the McAllen Police Department (MPD) seized 10.46 kilograms of cocaine from the residence of Ejalte DE LEON, located at 2201 N. 31st Street, McAllen, Texas 78501. The drug evidence was seized pursuant to MPD Officers responding to a 911 caller, who reported guns shots inside the residence, reference McAllen Police Department Incident and Summary Reports written under Case Number 2016-00060571, ORI TX1080800.

According to DE LEON, prior to the August 14, 2016, drug seizure by the MPD, DE LEON received 22 kilograms of cocaine. On August 10, 2016, DE LEON delivered 7 kilograms to Houston, Texas. When DE LEON returned from Houston, the stash house was burglarized. DE LEON's cousin was staying at the stash house when DE LEON left for Houston, but returned to Mexico before DE LEON returned from Houston.

DE LEON claims he was afraid after discovering the robbery and returned to Houston. DE LEON was later contacted by the MPD. The MPD Investigator requested an interview; however, DE LEON hired an attorney and was not interviewed by the MPD Investigator. DE LEON's attorney obtained a copy of the MPD Incident report, and discovered that the entire 15 kilograms were not seized by MPD. Without a report to explain the seizure of the entire load, DE LEON owed \$400,000.00 for the lost cocaine.

On October 11, 2016, SA Mercado took custody of 10.46 kilograms of cocaine, as witnessed by MPD Detective Hernandez. On October 11, 2016, SA Mercado, SA Johnson and TFO Ruiz transported the drug evidence to the Drug Enforcement Administration (DEA) office in McAllen. A presumptive field test was conducted with positive results. On October 14, 2016, SA Johnson and TFO Chavero transported the cocaine to the DEA South Central Laboratory in Dallas, Texas via the Air National Guard where it was subsequently transferred to the custody of the South Central Laboratory for analysis and safekeeping.

On October 11, 2016, SA Mercado also took custody of the residential rental agreement for 2201 North 31st Street, McAllen Texas 78501, as witnessed by Det. Hernandez. A review of the rental agreement confirmed that on June 10, 2016, DE LEON and his wife Sonia GUTIERREZ signed a residential rental agreement for 2201 North 31st Street, McAllen Texas 78501.

On November 16, 2016, DE LEON contacted SA Mercado. DE LEON was detained upon his arrival to the DEA office. SA Johnson, as witnessed by SA Mercado, read the Form DEA-13, Advice of Rights to DE LEON.